

## WATER USERS REGISTRATION

## CHAPTER 114

## H. B. No. 41

An Act amending that portion of Section 100 of Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, 1917, which is codified as Article 7612, Revised Civil Statutes of Texas, 1925, so as to require that everyone who takes any waters flowing in a natural stream or water course, by virtue of a permit, certified filing, riparian right, prescriptive right or otherwise, shall file certain information with the Board of Water Engineers or its successor; exempting those taking water for domestic and livestock purposes; providing that such reports shall not limit the right of riparian users to use that water which they have a right to use; amending Section 6 of Chapter 136 of the Acts of the Regular Session of the Thirty-ninth Legislature, 1925, codified as Article 7612a, Revised Civil Statutes of Texas, 1925, so as to provide for certain penalties for failure to comply with the provisions of Section 1 of this Act; protecting the rights of riparians; providing a savings clause; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. That that portion of Section 100 of Chapter 88 of the Acts of the Regular Session of the Thirty-fifth Legislature, 1917, which is codified as Article 7612, Revised Civil Statutes of Texas, 1925, be and the same is hereby amended <sup>7</sup> to read as follows:

"Article 7612.

"On or before the first day of March of each year hereafter, every person, association of persons, corporation, water district, municipality or other body politic, and every agency of the State or United States, which is now taking, or in the future may take, any waters, public, private or otherwise, flowing in a natural stream or natural water course which is wholly or partially within the State or forms a boundary of the State, or any of such waters stored in reservoirs located on any such natural stream or natural water course, by virtue of a water permit from the State or certified filing authorizing the appropriation of public waters, riparian right, prescriptive right, or otherwise, shall file with the Board of Water Engineers of the State of Texas or its successor a sworn statement, on forms to be furnished by the Board upon request, containing such information on water use for the preceding year as the Board or its successor may require as necessary to aid in the administration of the water laws of the State and the inventorying of the water resources, in addition to such information as may be required to be kept by the provisions of Article 7611, Revised Civil Statutes of Texas, 1925. Provided, however, that with the exception of public utilities and political subdivisions furnishing water for municipal uses, nothing in this Act shall require the filing of any information with the Board or its successor where water is taken solely for domestic or stock-raising purposes. Provided, further, if the water reported as being used by a riparian owner is not all of the water which the riparian user has the right to use, the amount reported shall in no way limit the right of the riparian user to use all of the water which he has a right to use."

Sec. 2. That Section 6 of Chapter 136 of the Acts of the Regular Session of the Thirty-ninth Legislature, 1925, codified as Article 7612a,

7. Vernon's Ann.Civ.St. art. 7612.

Revised Civil Statutes of Texas, 1925, be and the same is hereby amended <sup>8</sup> to read as follows:

"Article 7612a.

"Any one who shall under the provisions of Section 1 of this Act be required to file such annual statement and information, and who shall fail or refuse to so file same as therein provided, shall be liable to a penalty of Twenty-five Dollars (\$25) and a further penalty of One Dollar (\$1) per day for each day he so fails to file same after the expiration of the day therein provided upon which same shall be filed, and the State may recover such a penalty by suit therefor; provided, however, the maximum penalty for failure to file such statement and information shall not exceed the sum of One Hundred and Fifty Dollars (\$150)."

Sec. 3.<sup>9</sup> No provision of this Act shall ever be construed to abridge, affect, enhance, add to or detract from any vested rights of owners of any lands riparian to the waters of the streams of this State or streams forming a boundary of this State.

Sec. 4. Should any section or provision of this Act be declared unconstitutional or invalid, such invalidity shall not impair any remaining sections or provisions of this Act, and it is declared to be the Legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

Sec. 5. The fact that there is now no law which provides for a complete inventory of the use of the water resources of the State, the urgency of obtaining sufficient information to fully utilize and develop for beneficial use all flowing waters of the State, the need to ascertain the extent of water use and consumption, and the importance of this legislation to the health and welfare of the people of the State, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended and that this Act shall take effect and be in force from and after its passage and it is so enacted.

Passed by the House, March 28, 1955, by viva voce vote; passed by the Senate, April 12, 1955, by viva voce vote.

Approved April 28, 1955.

Effective 90 days after June 7, 1955, date of adjournment.

8. Vernon's Ann.Civ.St. art. 7612a.

9. Vernon's Ann.Civ.St. art. 7612b.